

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-cv-00710-FDW**

RASHAUD VONTREZ LOCKHART,)
)
 Plaintiff,)
)
vs.)
)
ERIK A HOOKS, et al.,)
)
 Defendants.)

ORDER

THIS MATTER is before the Court upon Plaintiff Rashaud Vontrez Lockhart’s pro se civil rights Complaint (Doc. No. 1) and Application to Proceed in District Court without Prepaying Fees or Costs (Doc. No. 2).

On November 25, 2017, Plaintiff, a prisoner of the State of North Carolina, filed a civil rights Complaint pursuant to 42 U.S.C. § 1983, alleging that on February 8, 2017, while he was housed at Lanesboro Correctional Institution, inmates classified as members of a security risk group entered his cell, physically assaulted him and stole his canteen and hygiene items. According to the Complaint, Plaintiff suffered a “busted lip,” bloody nose, black eye, and bruising. (Compl. 5, Doc. No. 1.) In his cover letter attached to the Complaint, Plaintiff states he reported the incident to Defendant Bennet (FNU), identified as a corrections officer at Lanesboro C.I, who told him to “suck it up.” (Cover Let., Doc. No. 1-1.) Plaintiff alleges the incident occurred because Lanesboro was understaffed.

On December 13, 2017, the Court issued an Order in accordance with 28 U.S.C. §1915, requiring the appropriate official at Alexander Correctional Institution, where Plaintiff was housed when he filed his Complaint, to provide the Court with a certified copy of Plaintiff’s trust

fund account statement for the six (6) month period immediately preceding the filing of the Complaint. (Doc. No. 3.) On January 2, 2018, the North Carolina Department of Public Safety (“NCDPS”) notified the Clerk of Court that Plaintiff was no longer active in the NCDPS system. (NCDPS Let., Doc. No. 4.) NCDPS records show Plaintiff was released from its custody on November 30, 2017, five days after he filed the Complaint. See NCDPS Offender Public Information, at <https://webapps.doc.state.nc.us/opi/offendersearch.do?method=view> (search Rashaud V Lockhart, last viewed Dec. 28, 2018).

Plaintiff has not notified the Court of his change of address, although he has had more than ample time to do so. The Court will not continue to hold this action open on the off-chance Plaintiff’s interest in it may be renewed. Accordingly, the Complaint shall be dismissed, albeit without prejudice to Plaintiff’s ability to timely file a similar action in the future.

IT IS, THEREFORE, ORDERED that Plaintiff’s 42 U.S.C. § 1983 Complaint (Doc. No. 1) is **DISMISSED without prejudice** for failure to prosecute, and the Clerk of Court is directed to close this action.

Signed: January 3, 2019

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

